

REMARKS

In response to the final Office action dated 01/20/10, reconsideration is respectfully requested of the application in view of the claim amendments proposed herein.

This response to the final Office action is being filed electronically via the Office's Electronic Filing System (EFS).

Although no fee is believed by Applicant to be due in association with this response, the Office is respectfully requested to charge any required fee to **Deposit Account No. 50-0958**. The Office is respectfully requested to credit any overpayment to the same **Deposit Account No. 50-0958**.

The final Office action finally rejects all of the claims that are currently in the application, viz., claims 1, 15, and 21-38. By this response, amendments are proposed to claims 1, 15, 32, 33, and 34. In accordance herewith, claims 1, 15, and 21-38 remain in the application, and claims 1, 15, and 34 remain the three independent claims.

The following references are applied by the final Office action in rejections under 35 USC 103(a):

- Lee et al., "Optimal Compartment Layout Design for a Naval Ship Using an Improved Genetic Algorithm," *Marine Technology*, Volume 39, Number 3, July 2002, pages 159-169 (hereinafter, "Lee et al.")

- Rapeli, U.S. Patent 6,105,525, issued 22 August 2000 (hereinafter, "Rapeli")
- "Advanced Surface Ship Evaluation Tool (ASSET) Ship Design Synthesis Programs," submitted 15 December 1996 (hereinafter, "ASSET")
- Nakagawa, U.S. Patent Application Publication 2002/0032554 A1, published 14 March 2002 (hereinafter, "Nakagawa")

The following rejections are rendered by the final Office action:

- Claims 34-38 are rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
- Claims 1, 15, 21, 22, and 27-38 are rejected under 35 USC 101 because the claimed invention is directed to non-statutory matter.
- Claims 1, 15, 21-26, 28-30, 32-35, 37, and 38 are rejected under 35 USC 103(a) as being unpatentable over Lee et al. in view of Rapeli, and further in view of ASSET.
- Claims 27, 31, and 36 are rejected under 35 USC 103(a) as being unpatentable over Lee et al. in view of Rapeli, further in view of ASSET, and further in view of Nakagawa.

In consideration of the claim amendments herein, Applicant respectfully requests withdrawal of the rejections under 35 USC 112 (second paragraph), 35 U.S.C. 101, and 35 USC 103(a).

In a telephone conversation that took place in early January 2010, Examiner Feeney made suggestions to Attorney Kaiser as to claim amendments that may give rise to allowance or allowability of the claims. Applicant sincerely appreciates Examiner Feeney's courtesy. It is believed by Applicant that the claim amendments proposed herein comport with Examiner Feeney's guidance.

In view of the foregoing, Applicant respectfully requests allowance, or indication of allowability, of claims 1, 15, and 21-38 as presented herein.

Examiner Feeney is respectfully invited to call the undersigned at telephone number 301-227-1834 if different/further amendment to the claims is in order, or if there are any other questions in this matter.

Respectfully submitted,

/Howard Kaiser/ 20 April 2010
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